

REMARKS

Claims 1-3, 5-7, 9-11, and 26-31 are currently pending in the application. Claims 1, 26, 28-29, and 31 have been amended. Claims 12-25 have been previously withdrawn from examination. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claim 29 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description. The Office Action asserts that the concept of the gasket for sealing the head against the filtration canister being formed of stainless steel and a fluid impervious washer formed of nitrile material is considered new matter. Applicant respectfully submits that claim 29 has been amended to comply with the written description. Applicant respectfully submits that support for claim 29 can be found throughout the specification and more particularly on page 7, lines 17-21. Applicant therefore respectfully requests that the 35 U.S.C. § 112, first paragraph rejection of claim 29 be withdrawn.

Claims 26 and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, applicant has amended claims 26 and 28 to overcome the § 112 rejection. Applicant therefore respectfully requests that the 35 U.S.C. 112, second paragraph rejection of claims 26 and 28 be withdrawn.

Claims 1-3, 5, 9, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,083,406 to DePaul et al. (DePaul") in view of U.S. Patent No. 2,559,267 to Winslow et al. ("Winslow") and U.S. Patent No. 6,287,455 to Whitmore ("Whitmore").

Independent claim 1 relates to a system for purifying fluid. Applicant respectfully submits that the combination of DePaul, Winslow, and Whitmore fails to teach, suggest, or obviate at least one of the distinguishing features of independent claim 1, namely, an evaporation canister including a heating wand and an evaporator cup assembly housed within the evaporation canister, the evaporator cup having a base containing an orifice through which fluid flow is received, the heating wand being disposed adjacent the base and over the orifice of the evaporator cup and defining a fluid volume above the heating wand that is greater than the fluid

volume therebeneath, wherein the fluid flow from the orifice engulfs the heating wand thereby facilitating heating of the fluid rising in the evaporator cup and the evaporation of the liquid contaminants.

DePaul discloses an apparatus and method for improved in-line contaminant removal from engine lubricating oil. The oil is first filtered and then drained and deposited upon an upper central surface portions of a heated dome. The oil forms a thin film from which relatively low boiling volatile impurities are rapidly separated in a gaseous state. The gas is vented through a pressure relief valve to a manifold while the recovered reconditioned oil is collected and recycled.

Winslow discloses filtering units for purifying and conditioning fluids and, more particularly, to filtering units adapted to be employed in a fluid circulation system for purifying and conditioning fluid after it has once served its function in a machine or process so that it can be re-circulated for the same purpose.

Whitmore discloses an apparatus for removing water, antifreeze, and fuel from lubricating or hydraulic oil by evaporating these impurities and venting them out of the purifier. The oil is heated by heat of an exposed horizontal heating wand within an evaporator. The oil passes over an upper lip of the evaporator and cascades downward over the evaporator's ridged outer surface.

In contrast to claim 1, DePaul discloses an evaporation apparatus in which oil is fed downwardly in an upper chamber from an end or terminal nozzle of a metering jet located towards a top portion of the evaporation apparatus. DePaul further discloses that the oil entering the chamber is preferably deposited on an upper surface of an apex region of a domed platen and flows downwardly by gravity. In contrast to DePaul, according to claim 1, the fluid is received through an orifice located at a base of an evaporator cup as claimed. Furthermore, according to claim 1, the fluid engulfs the heating wand thereby facilitating heating of the fluid rising in the evaporator cup and the evaporation of the liquid contaminants. In contrast, according to DePaul, oil entering the chamber is preferably deposited on an upper surface of an apex region of a domed platen and flows downwardly by gravity and fails to engulf the heating wand thereby

facilitating heating of the fluid rising in the evaporator cup as claimed. Winslow fails to cure the deficiencies of DePaul disclosed above.

Whitmore discloses a heating wand within an evaporator for heating the oil. The shape and placement of the heating wand as disclosed in Figure 2 of Whitmore teaches the opposite of what is now specifically claimed. According to Figure 2 of Whitmore, the heating wand is placed within the evaporator cup such that there is very little space for the fluid to accumulate below the heating wand while there is virtually no space for fluid to accumulate above the heating wand. According to Whitmore, the fluid volume appears to accumulate on the sides of the heating wand and not above and below the heating wand such that the fluid volume above the heating wand is greater than the fluid volume below the heating wand as claimed. In addition, the accumulation of the fluid on the sides of the heating wand does not allow the fluid to heat uniformly, which is one of the advantages of the claimed invention. Applicant respectfully submits that independent claim 1 distinguishes over the cited combination of DePaul, Winslow, and Whitmore and respectfully requests that the rejection thereof be withdrawn.

Dependent claims 2-3, 5, 9, and 30 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2-3, 5, 9, and 30 distinguish over the cited combination of DePaul, Winslow, and Whitmore and are in condition for allowance. Withdrawal of the rejection of dependent claims 2-3, 5, 9, and 30 is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and further in view of U.S. Patent No. 5,431,588 to Kucik ("Kucik"). Claim 6 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 6 distinguishes over the cited combination of DePaul, Winslow, and Kucik and is in condition for allowance. Withdrawal of the rejection of dependent claim 6 is respectfully requested.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and Whitmore and further in view of U.S. Patent No. 3,982,520 to Wheeler (“Wheeler”). Dependent claim 7 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 7 distinguishes over the cited combination of DePaul, Winslow, Whitmore, and Wheeler and is in condition for allowance. Withdrawal of the rejection of dependent claim 7 is respectfully requested.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and Whitmore and further in view of U.S. Patent No. 6,072,152 to Landry (“Landry”). Dependent claim 10 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 10 distinguishes over the cited combination of DePaul, Winslow, Whitmore, and Landry and is in condition for allowance. Withdrawal of the rejection of dependent claim 10 is respectfully requested.

Claim 11 stands rejected U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and Whitmore and further in view of Schwalge.

Dependent claim 11 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 11 distinguishes over the cited combination of DePaul, Winslow, Whitmore, and Schwalge and is in condition for allowance. Withdrawal of the rejection of dependent claim 11 is respectfully requested.

Claim 26 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and Whitmore and further in view of U.S. Patent No. 6,096,208 to Connelly et al. (“Connelly”) and U.S. Patent No. 5,234,592 to Schneider (“Schneider”). Dependent claims 26 and 28 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 26 and 28 distinguish over the cited combination of DePaul, Winslow, Whitmore, Connelly, and Schneider and are in condition for allowance. Withdrawal of the rejection of dependent claims 26 and 28 is respectfully requested.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and Whitmore and further in view of U.S. Patent No. 3,616,885 to Priest ("Priest"). Dependent claim 27 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 27 distinguishes over the cited combination of DePaul, Winslow, Whitmore, and Priest and is in condition for allowance. Withdrawal of the rejection of dependent claim 27 is respectfully requested.

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and Whitmore and further in view of U.S. Patent No. 4,057,502 to Crumrine et al. ("Crumrine"). Dependent claim 29 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 29 distinguishes over the cited combination of DePaul, Winslow, Whitmore, and Crumrine and is in condition for allowance. Withdrawal of the rejection of dependent claim 29 is respectfully requested.

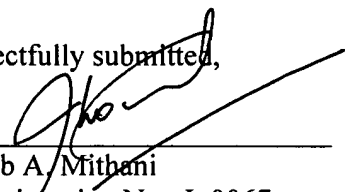
Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Whitmore.

Claims 31 relates to a system for purifying fluid. Applicant respectfully submits that the combination of DePaul and Whitmore fails to teach, suggest, or obviate at least one of the distinguishing features of independent claim 31, namely, a heating wand and an evaporator cup assembly housed within an evaporation canister, the evaporator cup having a base containing an orifice through which fluid flow is received, the heating wand being disposed adjacent the base and over the orifice of the evaporator cup and defining a fluid volume above the heating wand is greater than the fluid volume therebeneath, wherein the fluid flow from the orifice engulfs the heating wand thereby facilitating heating of the fluid rising in the evaporator cup and the evaporation of the liquid contaminants. Additionally, Applicant submits that claim 31 patentably distinguishes over DePaul and Whitmore for similar reasons to those discussed above with respect to independent claim 1. Applicant respectfully submits that independent claim 31 distinguishes over the cited combination of DePaul and Whitmore and is in condition for allowance.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

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